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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/560,203 | 04/28/2000 | Terry Erisman | TEE 2000-1 | 3365 |

23694 7590 05/20/2003

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[REDACTED] EXAMINER

AKERS, GEOFFREY R

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

3624

DATE MAILED: 05/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

| | | |
|-------------|--------------|------------------|
| Application | Applicant(s) | |
| 09/560203 | Erisman | |
| Examiner | Art Unit | Confirmation No. |
| Alex G | 7624 | |

- The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

Responsive to communication(s) filed on 3/17/03

This action is FINAL. This action is non-final.

Since this application is in condition for allowance except for the formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

Claim(s) 1-102 is/are pending in this application.

Of the above claim(s) _____ is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 1-102 is/are rejected.

Claim(s) _____ is/are objected to.

Claim(s) _____ are subject to restriction or election requirement.

Application Papers

The proposed drawing correction, filed on _____ is approved or disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.

The drawing(s) filed on _____ is/are accepted or objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d) or (f).

All Some* None of the:

Certified copies of the priority documents have been received.

Certified copies of the priority documents have been received in Application No. _____.

Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). The translation of the foreign language provisional application has been received.

Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

Information Disclosure Statement(s), PTO-1449, Paper No(s) 618

Notice of References Cited, PTO-892

Notice of Draftsperson's Patent Drawing Review, PTO-948

Interview Summary, PTO-413

Notice of Informal Patent Application, PTO-152

Other _____

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DETAILED ACTION

Response to Amendment

1. This action is issued in response to applicant's Amendment A(Paper #7) filed 3/17/03.
2. All independent claims were amended. No claims were cancelled. None were added.
3. Claims 1-102, with all independent claims amended are pending.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 1-102 are rejected under 35 USC 103(a) as unpatentable over Mori(US Pat. No: 6,044,363) in view of Barzilai(US Pat. No: 6,012,045) in view of Godin(US Pat. No: 6,266,652) and further in view of Aggarwal(US Pat. No: 6,151,589). The rejections as cited in the First Action are maintained and elaborated with respect to applicant's amendment.
6. As per claims 1-102 Mori teaches a method of entering bid information on an electronic auction comprising reviewing a database of items for auction(Fig 2/11) and entering a set of bids for a set of items selected from a database(Fig 4/312/313). Mori further teaches bid prioritization where the bidders coalesce through a rule editor(Fig 5)(Fig 4/324/325) as well as conditional and

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unconditional bidding(Fig 4/314)(Fig 5/425)(Fig 7/612).Mori teaches performing these auctions on a network(Abstract) and a highest ascending price(Fig 19) as well as order times(Fig 10) and desired quantities(Fig 12) and the raising of prices relative to a reference(Fig 16). Barzilai teaches creating a bid ranking and bid table(col 16 lines 50-60)(col 16 line 11-col 17 line 21) as well as services(Abstract) and vacationsFig 4A/202) which includes entertainment as well as a minimum bid, bid cycle data, and distribution of bids(col 2 lines 20-54) with a cost associated with each bid(col 2 lines 53-54) and an e-mail confirmation of shipping(Fig 4B/228).Barzilai also teaches periods of time when the auction sahowrooms are opened(Fig 5) and password access control to the auction and a rule engine(Fig 6A) and a frequency analysis on the data(Fig 6B/344) and the construction of a bid table of bids(Fig 6B/346) as well as the running saverage the mean, median,mode and range per bid item(Fig 6B/342) and the posting of the top N bids above a threshold on the bid chart(Fig 6B/356). Godin teaches a maximum price through a reverse auction process(Abstract)(col 2 lines 37-67) as well as a process registration(Fig 2/82) and a user ID configuration(Fig 2/84) and a warranty(Fig 2/74) and categories(Fig 2/62) as well as minimum cost, street price and starting and closing prices(Fig 4) and an electronic bill of sale(Fig 12).Aggarwal teaches conditions on market premium bidders(Fig 4/420) as well as a continuous auction on the Internet(Abstract), and a display of current best bids(Fig 2/210) and the time interval between auction decisions(Fig 2/240) for a buyer to decide to buy(Fig 3/340).It would have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Barzilai to teach part of the above. The motivation to combine is to teach as method of

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purchasing and selling consumer products and services via an electronic bid, auction and sale system as enunciated by Barzilai (col 1 lines 47-51). Furthermore, it would also have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Barzilai and further in view of Godin to teach part of the above. The motivation to combine is to teach a simplified Internet-based auction process extending over some time with a lack of complexity and e-mail notification to winners as enunciated by Godin (col 1 lines 47-59). Furthermore, it would also have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Barzilai in view of Godin and further in view of Aggarwal to teach all of the above. The motivation to combine is to teach an Internet-based auction process with dynamically adjusted time intervals due to the pricing as enunciated by Aggarwal (col 2 lines 33-41).

Response to Arguments

7. Applicant's arguments with respect to claims 1-102 as amended have been considered but are not persuasive. Applicant's arguments hinge on the allowability of independent claim 1 where the principal argument is that the ranking of bids is in the bidder's jurisdiction. Mori teaches bid prioritization where the bidders coalesce through a rule editor (Fig 5) (Fig 4/324/325) as well as conditional and unconditional bidding (Fig 4/314) (Fig 5/425) (Fig 7/612). Thus, in the designations the different bidders may in fact be one person at different levels with a prioritized ranking as designated in the rule editor of Mori setting the price conditions (Fig 5/411). This prioritization permits only bids falling within a specified zone to be considered.

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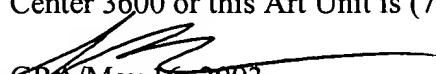
Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any questions concerning this communication should be addressed to the primary examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the primary examiner are unsuccessful, the primary examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687.


GRA/May 16, 2003

DR. GEOFFREY R. AKERS, P.E.
PRIMARY EXAMINER